



Attorney's Docket No. **9598-32 (AUHS-318)**

Applicant or Patentee: **Darwin J. Prockop *et al.***

Application or Patent No.:

Filed or Issued: **February 24, 1998**

For: **ISOLATED STROMAL CELLS FOR USE IN THE TREATMENT OF THE CENTRAL NERVOUS SYSTEM**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION**

NAME OF ORGANIZATION: **Allegheny University of the Health Sciences**

ADDRESS OF ORGANIZATION: **1505 Race Street, 11th Floor  
Philadelphia, Pennsylvania 19102-1192**

TYPE OF ORGANIZATION:

- University or other institution of higher education.
- Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)).
- Nonprofit scientific or educational under statute of state of the United States of America.  
Name of State \_\_\_\_\_  
Citation of Statute \_\_\_\_\_
- Would qualify as tax exempt under Internal Revenue Code (26 USC 501(a) and 501(c)(3) if located in the United States of America.
- Would qualify as nonprofit scientific or educational under statute of state of United States of America if located in the United States of America.  
Name of State \_\_\_\_\_  
Citation of Statute \_\_\_\_\_

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, with regard to the invention entitled **ISOLATED STROMAL CELLS FOR USE IN THE TREATMENT OF THE CENTRAL NERVOUS SYSTEM** by inventor(s) **Darwin J. Prockop *et al.*** described in

- the specification filed herewith.
- Application No. 09/028,395
- Filed February 24, 1998
- Patent No. \_\_\_\_\_  
Issued \_\_\_\_\_

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27).

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

Individual       Small Business Concern       Nonprofit Organization

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

Individual       Small Business Concern       Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in the status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Kathleen A. Denis, Ph.D.  
TITLE IN ORGANIZATION Vice President  
ADDRESS OF PERSON SIGNING 1505 Race Street, 11th Floor  
Philadelphia, PA 19102-1192

SIGNATURE Kathleen A. Denis DATE: 3/3/98

Full name of second joint  
inventor, if any David G. Stokes

Inventor's Signature David G. Stokes

Date 3-5-98

Residence 1632 Jill Road, Willow Grove, PA 19090

Citizenship U.S.A.

Post Office Address same as above

Full name of third joint  
inventor, if any S. Ausim Azizi

Inventor's Signature S. Ausim Azizi

Date 3/5/98

Residence 3815 Stokley Street, Philadelphia, PA 19129

Citizenship U.S.A.

Post Office Address



PSJ&N File No. 9598-32  
(AUHS-318)

**DECLARATION AND POWER OF ATTORNEY**  
(Related Application)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

**ISOLATED STROMAL CELLS FOR USE IN THE TREATMENT  
OF THE CENTRAL NERVOUS SYSTEM**

the specification of which (check one)

- is attached hereto.  
 was filed on February 24, 1998  
as Application No. 09/028,395

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to herein.

I acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**FOREIGN PRIORITY APPLICATION(S)**

<u>PCT/US96/94497</u> (Number)	<u>PCT</u> (Country)	<u>28 March 1996</u> (Day/month/year filed)	<u>Priority Claimed</u> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<hr/>			<u>Priority Claimed</u> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/month/year field)</u>	

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional patent application(s) listed below and have also identified below any United States provisional patent application(s) having a filing date before that of the application on which priority is claimed.

**PROVISIONAL PRIORITY PATENT APPLICATION**

<u>60/006,627</u> (Application No.)	<u>November 13, 1995</u> (Filing Date)	<u>Priority Claimed</u> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<hr/>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<u>(Application No.)</u>	<u>(Filing Date)</u>	

I hereby claim the benefit under Title 35, United States Code, Section 120, of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or in the prior U.S. provisional application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56, which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

08/412,066 March 28, 1995 patented  
(Application Serial No.) (Filing Date) (Status)--(patented, pending, abandoned)

(Application Serial No.) (Filing Date) (Status)--(patented, pending, abandoned)

And I hereby appoint the registered attorneys and agents associated with **Panitch Schwarze Jacobs & Nadel, P.C.**, Customer No. 000570, as my attorneys or agents with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence to **Customer No. 000570, namely, PANITCH SCHWARZE JACOBS & NADEL, P.C.**, One Commerce Square, 2005 Market Street, 22nd Floor, Philadelphia, Pennsylvania 19103-7086. Please direct all communications and telephone calls to **Kathryn Doyle Leary, Ph.D., J.D.** at (215) 965-1284.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole  
or first inventor Darwin J. Prockop

Inventor's Signature Darwin J. Mockop

Date March 5, 1898

Residence 291 Locust Street, Philadelphia, PA 19106

Citizenship USA

**Post Office Address** same as above